



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/060,840	01/30/2002	Burton Barnett	203-07-CIP2	8710

7590 09/08/2004

GABOR L. SZEKERES
8141 E. KAISER BOULEVARD
SUITE 112
ANAHEIM, CA 92808

EXAMINER

BURCH, MELODY M

ART UNIT	PAPER NUMBER
----------	--------------

3683

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/060,840

Applicant(s)

BARNETT, BURTON

Examiner

Melody M. Burch

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7 and 9-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9-18,21-26,29-31 is/are rejected.
- 7) ☒ Claim(s) 19,20,27 and 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-7, and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 3735834 to St. Onge in view of US Patent 6367888 to Kee et al. and US Patent 4192557 to Leiber.

Re: claims 1, 4, 5, 7, 10, and 11. St. Onge shows in figures 1 and 2 and discloses in the last 13 lines of the abstract an apparatus for locking and unlocking the brake actuator of a dual chamber brake system that operates with compressed air, wherein the dual chamber includes a brake actuator 17 in a first chamber shown in the area of element 21 and a high spring rate spring 31 in a second chamber shown in the area of element 25, the brake actuator being movable in the axial direction to apply and release the brakes of the brake system, in the absence of compressed air the high spring rate spring expanding to bias and keep the brake actuator in an axially forward position locking the brakes of the brake system and wherein when there is compressed air in the second chamber the high spring rate spring is compressed and allows retraction of the brake actuator from its forward position to unlock the brakes the apparatus comprising: electro mechanical means or solenoid operated valves discussed in lines 13-16 of the abstract for venting pressurized air from the second chamber as

Art Unit: 3683

disclosed in lines 6-7 from the bottom of the abstract and for preventing entry of pressurized air into the second chamber as disclosed in lines 2-4 from the bottom of the abstract whereby expansion of the high spring rate spring causes the brake actuator to move into the axially forward position locking the brakes of the brake system, the electro mechanical means also being used for allowing pressurized air to enter into the second chamber and for disallowing the venting of pressurized air from the second chamber as disclosed in lines 11-13 from the bottom of the abstract thereby unlocking the brake actuator and unlocking the brakes.

St. Onge does not specifically disclose that the electro mechanical means is responsive to first and second coded signals.

Kee et al. teach in lines 8 and 18 of the abstract the use of an apparatus for locking and unlocking the brakes including an electro mechanical means having a receiver decoder responsive to a first and second coded signal.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the electromechanical means of St. Onge such that it was responsive to first and second coded signals, as taught by Kee et al., in order to provide a means of triggering the introduction and release of fluid into the chamber to release and apply the brakes, respectively.

St. Onge shows in figure 2 an inlet port or hole in the chamber housing surrounding element 33, the inlet port allowing attachment of a hose 54 shown in figure 1 through which pressurized air is normally supplied to the second chamber and shows the electromechanical means being a solenoid valve, but does not specifically

show the solenoid valve or brake locking mechanism being mounted in the second chamber.

Leiber teaches in figure 3 the use of an apparatus having a first chamber 32 and a pressurizable second chamber 30 wherein a solenoid valve 23 is mounted in the chamber 30 as shown.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the solenoid device of the electromechanical (brake locking mechanism) of St. Onge, as modified, to have been mounted in the second pressurizable chamber, in view of the teachings of Leiber, in order to provide a means of minimizing the amount of space required by the brake locking/unlocking apparatus to result in a more compact apparatus.

Re: claims 3 and 9. St. Onge, as modified, teaches in figure 2 of St. Onge a conduit 33 being included in the second chamber for venting and disallowing the venting of pressurized air.

Re: claims 6 and 12. St. Onge, as modified, teaches in figure 1 of St. Onge and discloses in col. 3 lines 44-66 of St. Onge the current being supplied from a power source, a switch 69 being interposed between the power source and the solenoid valve, and wherein the receiver decoder controls the switch in response to the first and second signals, respectively.

3. Claims 1, 3-7, and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 3735834 to St. Onge in view of and US Patent 4192557 to Leiber.

Re: claims 1, 4, 5, 7, 10, and 11. St. Onge shows in figures 1 and 2 and discloses in the last 13 lines of the abstract an apparatus for locking and unlocking the brake actuator of a dual chamber brake system that operates with compressed air, wherein the dual chamber includes a brake actuator 17 in a first chamber shown in the area of element 21 and a high spring rate spring 31 in a second chamber shown in the area of element 25, the brake actuator being movable in the axial direction to apply and release the brakes of the brake system, in the absence of compressed air the high spring rate spring expanding to bias and keep the brake actuator in an axially forward position locking the brakes of the brake system and wherein when there is compressed air in the second chamber the high spring rate spring is compressed and allows retraction of the brake actuator from its forward position to unlock the brakes the apparatus comprising: electro mechanical means or solenoid operated valves discussed in lines 13-16 of the abstract for venting pressurized air from the second chamber as disclosed in lines 6-7 from the bottom of the abstract and for preventing entry of pressurized air into the second chamber as disclosed in lines 2-4 from the bottom of the abstract whereby expansion of the high spring rate spring causes the brake actuator to move into the axially forward position locking the brakes of the brake system, the electro mechanical means also being used for allowing pressurized air to enter into the second chamber and for disallowing the venting of pressurized air from the second chamber as disclosed in lines 11-13 from the bottom of the abstract thereby unlocking the brake actuator and unlocking the brakes, but does not specifically disclose that the electro mechanical means is responsive to first and second coded signals.

Examiner takes official notice that it is well-known in the art to use coded signals/remote control in order to prevent unauthorized actuation of a nearby locked brake actuator responsive to such signals. Examiner also notes Applicant's admission of the incorporation of the coded signals to unlock and lock car doors, for example, as being "virtually ubiquitous[ly]" in lines 5-6 of pg. 11 of the specification of the instant application.

St. Onge shows in figure 2 an inlet port or hole in the chamber housing surrounding element 33, the inlet port allowing attachment of a hose 54 shown in figure 1 through which pressurized air is normally supplied to the second chamber and shows the electromechanical means being a solenoid valve, but does not specifically show the solenoid valve or brake locking mechanism being mounted in the second chamber.

Leiber teaches in figure 3 the use of an apparatus having a first chamber 32 and a pressurizable second chamber 30 wherein a solenoid valve 23 is mounted in the chamber 30 as shown.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the solenoid device of the electromechanical (brake locking mechanism) of St. Onge, as modified, to have been mounted in the second pressurizable chamber, in view of the teachings of Leiber, in order to provide a means of minimizing the amount of space required by the brake locking/unlocking apparatus to result in a more compact apparatus.

Re: claims 3 and 9. St. Onge, as modified, teaches in figure 2 of St. Onge a

conduit 33 being included in the second chamber for venting and disallowing the venting of pressurized air.

Re: claims 6 and 12. St. Onge, as modified, teaches in figure 1 of St. Onge and discloses in col. 3 lines 44-66 of St. Onge the current being supplied from a power source, a switch 69 being interposed between the power source and the solenoid valve, and wherein the receiver decoder controls the switch in response to the first and second signals, respectively.

4. Claims 13 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 3735834 to St. Onge in view of US Patent 6367888 to Kee et al. and US Patent 4085716 to Minami.

St. Onge shows in figures 1 and 2 an apparatus for locking and unlocking the brake actuator of a dual chamber brake system that operates with compressed air, wherein the dual chamber includes a brake actuator 17 in a first chamber and a high spring-rate spring 31 in a second chamber, the brake actuator being movable in the axial direction to apply and release the brakes of the brake system; in the absence of compressed air the high spring-rate spring expanding to bias and keep the brake actuator in an axially forward position locking the brakes of the brake system, and wherein when there is compressed air in the second chamber the high spring-rate spring is compressed and allows retraction of the brake actuator from its forward position to unlock the brakes, the apparatus comprising: electro mechanical means or solenoid operated valves discussed in lines 13-16 of the abstract responsive to signals for venting pressurized air from the second chamber as disclosed in lines 6-7 from the

Art Unit: 3683

bottom of the abstract and for preventing entry of pressurized air into the second chamber as disclosed in lines 2-4 from the bottom of the abstract whereby expansion of the high spring rate spring causes the brake actuator to move into the axially forward position locking the brakes of the brake system and for allowing pressurized air to enter into the second chamber and for disallowing the venting of pressurized air from the second chamber as disclosed in lines 11-13 from the bottom of the abstract thereby unlocking the brake actuator and unlocking the brakes.

St. Onge does not specifically disclose that the device is responsive specifically to a first coded signal or to a third anti-theft coded signal different from the first signal, for venting pressurized air from the second chamber thereby locking the brake actuator and the brakes and also being responsive to a second coded signal or to a fourth coded signal for disallowing the venting of pressurized air from the second chamber thereby unlocking the brake actuator and the brakes.

Kee et al. teach in lines 8 and 18 of the abstract the use of an apparatus for locking and unlocking the brakes including an electro mechanical means having a receiver decoder responsive to a first and second coded signal, respectively.

Minami teaches in col. 4 lines 17-20 the use of first and second signals each including solenoid energization signals (*plural*) and solenoid de-energization signals (*plural*) or at least two solenoid energization signals and at least two solenoid de-energization signals which would result in at least two signals for the disallowing of venting pressurized air and at least two signals for the venting or pressurized air in St. Onge, respectively.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the St. Onge to have included multiple signals or a first and a third signal for venting pressurized air and multiple signals or a second and a fourth signal for disallowing the venting of pressurized air, in view of the teachings of Kee et al. and Minami, in order to provide a level of redundancy in triggering either the venting or disallowing of the venting of pressurized air to better ensure the locking or unlocking, respectively, of the brake actuator and the brakes.

5. Claims 13 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 3735834 to St. Onge in view of US Patent 4085716 to Minami.

St. Onge shows in figures 1 and 2 an apparatus for locking and unlocking the brake actuator of a dual chamber brake system that operates with compressed air, wherein the dual chamber includes a brake actuator 17 in a first chamber and a high spring-rate spring 31 in a second chamber, the brake actuator being movable in the axial direction to apply and release the brakes of the brake system; in the absence of compressed air the high spring-rate spring expanding to bias and keep the brake actuator in an axially forward position locking the brakes of the brake system, and wherein when there is compressed air in the second chamber the high spring-rate spring is compressed and allows retraction of the brake actuator from its forward position to unlock the brakes, the apparatus comprising: electro mechanical means or solenoid operated valves discussed in lines 13-16 of the abstract responsive to signals for venting pressurized air from the second chamber as disclosed in lines 6-7 from the bottom of the abstract and for preventing entry of pressurized air into the second

chamber as disclosed in lines 2-4 from the bottom of the abstract whereby expansion of the high spring rate spring causes the brake actuator to move into the axially forward position locking the brakes of the brake system and for allowing pressurized air to enter into the second chamber and for disallowing the venting of pressurized air from the second chamber as disclosed in lines 11-13 from the bottom of the abstract thereby unlocking the brake actuator and unlocking the brakes.

St. Onge does not specifically disclose that the device is responsive specifically to a first coded signal or to a third anti-theft coded signal different from the first signal, for venting pressurized air from the second chamber thereby locking the brake actuator and the brakes and also being responsive to a second coded signal or to a fourth coded signal for disallowing the venting of pressurized air from the second chamber thereby unlocking the brake actuator and the brakes.

Examiner takes official notice that it is well-known in the art to use coded signals/remote control in order to prevent unauthorized actuation of a nearby locked brake actuator responsive to such signals. Examiner also notes Applicant's admission of the incorporation of the coded signals to unlock and lock car doors, for example, as being "virtually ubiquitous[ly]" in lines 5-6 of pg. 11 of the specification of the instant application.

Minami teaches in col. 4 lines 17-20 the use of first and second signals each including solenoid energization signals and solenoid de-energization signals or at least two solenoid energization signals and at least two solenoid de-energization signals

which would result in at least two signals for the disallowing of venting pressurized air and at least two signals for the venting or pressurized air in St. Onge, respectively.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the St. Onge to have included multiple coded signals or a first and a third signal for venting pressurized air and multiple coded signals or a second and a fourth signal for disallowing the venting of pressurized air, in view of the teachings of Minami, in order to provide a level of redundancy in triggering either the venting or disallowing of the venting of pressurized air to better ensure the locking or unlocking, respectively, of the brake actuator and the brakes.

6. Claims 14, 15, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 3735834 to St. Onge in view of US Patent 6367888 to Kee et al. and US Patent 4085716 to Minami as applied to claims 13 and 21 above and further in view of Leiber.

Re: claims 14 and 22. St. Onge, as modified, describes the invention substantially as set forth above, but does not include the limitation of the solenoid valve of the electromechanical means being mounted in the pressurizable second chamber.

Leiber teaches in figure 3 the use of an apparatus having a first chamber 32 and a pressurizable second chamber 30 wherein a solenoid valve 23 is mounted in the chamber 30 as shown.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the solenoid device of the electromechanical (brake locking mechanism) of St. Onge, as modified, to have been mounted in the

second pressurizable chamber, in view of the teachings of Leiber, in order to provide a means of minimizing the amount of space required by the brake locking/unlocking apparatus to result in a more compact apparatus.

Re: claims 15 and 23. St. Onge, as modified, teaches in figure 2 of St. Onge a conduit 33 being included in the second chamber for venting and disallowing the venting of pressurized air.

7. Claims 14, 15, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 3735834 to St. Onge in view of US Patent 4085716 to Minami as applied to claims 13 and 21 above and further in view of Leiber.

Re: claims 14 and 22. St. Onge, as modified, describes the invention substantially as set forth above, but does not include the limitation of the solenoid valve of the electromechanical means being mounted in the pressurizable second chamber.

Leiber teaches in figure 3 the use of an apparatus having a first chamber 32 and a pressurizable second chamber 30 wherein a solenoid valve 23 is mounted in the chamber 30 as shown.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the solenoid device of the electromechanical (brake locking mechanism) of St. Onge, as modified, to have been mounted in the second pressurizable chamber, in view of the teachings of Leiber, in order to provide a means of minimizing the amount of space required by the brake locking/unlocking apparatus to result in a more compact apparatus.

Re: claims 15 and 23. St. Onge, as modified, teaches in figure 2 of St. Onge a

conduit 33 being included in the second chamber for venting and disallowing the venting of pressurized air.

8. Claims 16-18 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 3735834 to St. Onge in view of Kee et al. and US Patent 4085716 to Minami as applied to claims 13 and 21 above and further in view of Leiber and US Patent 5133323 to Treusch.

Re: claims 16, 17, 24 and 25. St. Onge, as modified, describes the invention substantially as set forth above, but does not include the limitation of the receiver specifically being mounted in the pressurizable second chamber.

Treusch teaches in figure 2 the use of a receiver 56 being mounted in a second pressurizable chamber shown above chamber 48.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the location of the receiver of St. Onge, as modified, to have been in the second pressurizable chamber, as taught by Treusch, in order to protect the receiver within the chamber boundaries making the receiver less susceptible to tampering and in order to provide a more compact device arrangement.

On pg. 12 of the instant application, Applicant fails to provide any criticality associated with the placement of the receiver-decoder specifically in the second pressurizable chamber. In the absence of an explanation of criticality, Examiner notes that in *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950) the court held that claims to an application which read on the prior art except with regard to the position of

an object were held unpatentable because shifting the position of the object would not have modified the operation of the device.

Re: claims 18 and 26. St. Onge, as modified, teaches in figure 1 of St. Onge and discloses in col. 3 lines 44-66 of St. Onge the current being supplied from a power source, a switch 69 being interposed between the power source and the solenoid valve, and wherein the receiver decoder controls the switch in response to the signals.

9. Claims 16-18 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 3735834 to St. Onge in view of US Patent 4085716 to Minami as applied to claims 13 and 21 above and further in view of Leiber and US Patent 5133323 to Treusch.

Re: claims 16, 17, 24 and 25. St. Onge, as modified, describes the invention substantially as set forth above, but does not include the limitation of the receiver specifically being mounted in the pressurizable second chamber.

Treusch teaches in figure 2 the use of a receiver 56 being mounted in a second pressurizable chamber shown above chamber 48.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the location of the receiver of St. Onge, as modified, to have been in the second pressurizable chamber, as taught by Treusch, in order to protect the receiver within the chamber boundaries making the receiver less susceptible to tampering and to provide a more compact device arrangement.

On pg. 12 of the instant application, Applicant fails to provide any criticality associated with the placement of the receiver-decoder specifically in the second

pressurizable chamber. In the absence of an explanation of criticality, Examiner notes that in *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950) the court held that claims to an application which read on the prior art except with regard to the position of an object were held unpatentable because shifting the position of the object would not have modified the operation of the device.

Re: claims 18 and 26. *St. Onge*, as modified, teaches in figure 1 of *St. Onge* and discloses in col. 3 lines 44-66 of *St. Onge* the current being supplied from a power source, a switch 69 being interposed between the power source and the solenoid valve, and wherein the receiver decoder controls the switch in response to the signals.

Allowable Subject Matter

10. Claims 19, 20, 27, and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. US Patent 4793661 to Munro teaches the use of three separate switches to control the supply of fluid to control a brake device, but does not specifically disclose or suggest that one of the switches is a proximity switch controlled by the position of a brake actuator and the other two switches being controlled by a receiver decoder.

Response to Arguments

11. Applicant's arguments filed 6/25/04 have been fully considered but they are not persuasive. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413,

208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Examiner reiterates that it is the combination of St. Onge., Kee, and Leibner that describes the claimed invention.

St. Onge describes the invention substantially as set forth above, but fails to include the limitations of 1.) the electro mechanical means being responsive specifically to first and second coded signals and 2.) the electro mechanical means specifically being mounted in one of the chambers of the brake apparatus.

The Kee reference teaches the use of an apparatus for locking and unlocking brakes including an electro mechanical means having a receiver decoder responsive to a first and second coded signal. Examiner states that it would have been obvious to modify the electro mechanical means of St. Onge to have included an electro mechanical means having a receiver decoder responsive to first and second coded signals, as taught by Kee, in order to provide a means of triggering the introduction and/or release of fluid into and out of the chamber(s) of the brake apparatus.

The Leibner reference teaches the use of a dual chamber brake apparatus with an electro mechanical means (or solenoid valve) being mounted in one of the chambers of the brake apparatus. Examiner states that it would have been obvious to modify the dual chamber brake apparatus of St. Onge to have included the electro mechanical means (or solenoid valve) in one of the chambers, as taught by Leibner, in order to provide a more compact arrangement of brake components.

Since the combination of the references teaches the claimed invention, the rejections have been maintained.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 703-306-4618. The examiner can normally be reached on Monday-Friday (7:30 AM-4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3683

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mmb 9/2/04
mmb
September 2, 2004


JACK CAVINDER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600